Title: Discussion on the Tamil Nadu Legislative Council Bill, 2010, moved by Shri M. Veerappa Moily (Bill Passed).

MADAM CHAIRMAN : Now, we take up item no. 20 A − Shri M. Veerappa Moily.

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): Madam Chairman, I beg to move:

> "That the Bill to provide for the creation of Legislative Council for the State of Tamil Nadu and for matters supplemental, incidental and consequential thereto, as passed by Rajya Sabha, be taken into consideration."

...(*Interruptions*)

DR. M. THAMBIDURAI (KARUR): Please allow us to speak on this Bill. ...(*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI V. NARAYANASAMY): You can speak on this Bill, if you want to oppose it. ...(*Interruptions*) Madam, the hon. Minister has already moved this Bill. ...(*Interruptions*)

MADAM CHAIRMAN: Mr. Minister, do you want to speak now?

SHRI V. NARAYANASAMY: After the speeches of the hon. Members, the Minister will speak. ...(*Interruptions*)

Hon. Members, kindly sit down. The discussion on this Bill will be there. ...(*Interruptions*)

MADAM CHAIRMAN: Motion moved:

> "That the Bill to provide for the creation of Legislative Council for the State of Tamil Nadu and for matters supplemental, incidental and consequential thereto, as passed by Rajya Sabha, be taken into consideration."

> Shri Prahlad Joshi ji − not present.

Now, Shri T.R. Baalu.

SHRI T.R. BAALU (SRIPERUMBUDUR): Madam Chairman, While I rise to support this Bill which has been brought my friend and the hon. Minister, Shri M. Veerappa Moily, I profoundly thank my leader, Dr. Kalaignar Karunanidhi, who is instrumental for bringing this historical Bill after 24 years.

I will be failing in my duty if I do not thank the hon. Madam Sonia ji, the Chairperson of the UPA, Dr. Manmohan Singh ji, hon. Prime Minister, the hon. Home Minister and also the hon. Law Minister who are solidly standing behind us.

As we have the Lok Sabha and the Rajya Sabha − these are the highest bodies to legislate and to make policies - here at the Centre, we, in Tamil Nadu, want to have a two-Chamber system, which existed till 1986. It is because many illustrious and eminent people could not contest the elections for various reasons and become MLAs. In order to enable them to share their views and to accommodate their views in policy-making, we would like to have an Upper House in Tamil Nadu. That is why, the Resolution has been proposed and passed in Tamil Nadu, and sent to Parliament for its approval.

Many prominent leaders have said − I have heard it yesterday and today − that we are rushing through the Bill. We are not rushing through the Bill. It is the Election Manifesto, 2006 of the DMK. At page 28, it says:

> "We will insist to bring in a Constitutional Amendment to establish the Legislative Council in Tamil Nadu as it has been done in Andhra Pradesh, with a view to enable the representatives of political pundits, scholars, teachers, educationists, employees, lawyers, doctors, service organizations, social workers, artists, poets, Self-Help-Groups, traders, farmers, weavers and Representative Local Bodies, labour and fishermen associations to take part in it and advise the Government."

To advise the Government, these prominent, eminent and illustrious persons have to be consulted. How to consult? They have to be part and parcel of the Upper House. That is why the Bill has been brought for our approval.

When the late Chief Minister, Mr. MGR was in power, he had abolished the Upper House. I do not want to enter into its politics; I do not want to say as to why he had abolished the Upper House. There were so many extraneous reasons. But the history cannot be wiped out by white clothing. We cannot wipe it out by white clothing.

Madam, when our leader, Dr. Kalaignar Karunanidhi came to power, he wanted to establish the Upper House. To establish the Upper House, he had brought in the Resolution on 20.2.1989 as well as on 26.7.1996. He had brought in the Resolution twice. But it was negated by the previous Chief Minister. You know, who she is.

Hence now, a proposal is before us. The Legislative Councils were established by the British Parliament by the Act of 1892 as well as the Act of 1909. By the Acts of 1892 and 1909, the Governor of the State has to play a role to nominate the Members. In 1919 the elections were conducted. Who will be having the voting rights? They would be only the tax payers and the property owners.

In 1920 my parent party, the South Indian Liberal Federation Party, which was called as Justice Party, came to power. It had brought wonderful legislations. For 17 years, from 1920 to 1937, it was in power. While it was in power, Mr. Subbarayalu Reddy was elected as the first Premier of the Madras State. Our mother, the great leader of our movement, Muthlaxmi Reddy had brought a Resolution before the House. What was that Resolution? It was to abolish the *Deavdasi* system. To abolish the *Devadasi* system, she vociferously fought with the Satyamurthy Ayyar, who was the Member of the Constituent Assembly also; and, she won. She brought the Resolution. The Communal G.O. was enacted during our regime only. When Mr. Muthia Mudaliar was the Minister, the Communal G.O. was passed, which ended up to the first Amendment brought by Nehru by the agitation of Thanthai Periyar in Tamil Nadu with the able support of Kamaraj.

So, in 1919 the first Act for Upper House was passed. The communal GO was in position for the sake of OBC, in the year 1920.

SHRI LALU PRASAD (SARAN): The credit will go to us. We are going to pass this Bill.

SHRI T.R. BAALU : Not only that, but also the leaders of the Justice Party, Pitty Thiagrayar, T.M. Nair and Dr. Nadesanar were instrumental to see that the policies of empowerment of women, the policies of social justice are brought, for the first time in India to see that the people of OBC, the people of SC/ST, the people belonging to minority communities are getting the proper place in the system of governance, in the field of education and employment.

During Justice Party's rule, many progressive decisions had been taken but at the same time, because of paucity of time, I do not want to mention all those things. But many illustrious leaders had been elected and they were adorning the Upper House, for instance, late Rajaji, the first Governor-General of India was a Member of the Upper House. Mr. P.T. Rajan, the leader of our movement; Mr. O.P. Ramasamy Reddiar, Mr. Bakthavachalam Mudaliar, our leader Dr. C.N. Annadurai, our leader, Dr. Kalaignar, C. Pa. Aditanar, MGR; former President of India R. Venkatraman; the first Finance Minister of India R.K. Shanmukham Chettiyar; Dr. S. Muthulakshmi Reddy, Dr. A.L. Mudaliar, Raja Sir Annamalai Chettiyar, Raja Sir Muthiah Chettiyar; the great revolutionary SC leader M.C. Raja; Sir A.T. Panneerselvam and also Rattamalai Seenivasan, who was a Scheduled Caste leader, were also adorning the Upper House.

This Bill, which we are going to pass with the support of Shri Lalu Prasad and all other Members cutting across Party lines, there will be 78 Members.

SHRI LALU PRASAD : We are going to pass this Bill.

SHRI T.R. BAALU : Out of 78 Members, 12 Members will be nominated by the Governor; and 26 Members will be from the local bodies. Here, my friends should understand that the local bodies' representatives will directly represent the Upper House. Graduates will be representing in seven places. Teachers will be representing in seven places. The Legislative Assembly will elect 26 people. The Governor will nominate 12 persons.

Altogether, 78-Member Chamber will be in position, and many progressive things will happen under the leadership of my leader Dr. Kalignar Karunanidhi.

With this I conclude. I request all of you to kindly support this Bill.

श्री सैयद शाहनवाज़ हुसैन (भागलपुर): सभापति महोदया, मैं इस बिल का समर्थन करने के लिए खड़ा हुआ हूं। यह सही है कि हर राज्य में विधान परिषद है। कई राज्यों में, जैसे मैं बिहार से आता हूं, वहां विधान परिषद है। लेकिन कई राज्यों में विधान परिषद नहीं है, जैसे बिहार के साथ में झारखंड राज्य है, वहां विधान परिषद नहीं है। राज्यों के चुनावों में जब लोग चुन कर नहीं आते हैं, विधान परिषद उनके लिए अच्छा सहारा बन जाता है। लोकतंत्र में चने हुए लोगों की बहत कीमत है और देश का इतिहास भी रहा है

कि अभी तक प्रधानमंत्री भी चुन कर आते रहे हैं, लेकिन इस बार संसद को सौभाग्य प्राप्त हुआ है कि पिछले छह सालें से ऊपरी सदन से, जहां सदस्य जनता द्वारा सीधे चुनकर नहीं आते हैं, वे देश के प्रधानमंत्री बने हैं।...(व्यवधान) यही तो सब्जेक्ट है।

सभापति महोदया : आप सब्जेक्ट पर आइए।

श्री सैयद शाहनवाज़ हुसैन : मैं जानता था, अगर मैंने गलत बात कही है तो मैं अपनी बात वापिस ले लूंगा, वे लोकसभा के सदस्य हैं तो आप बोल दीजिए।...(व्यवधान) आप उठकर बोलिए कि वे लोकसभा के सदस्य हैं। ...(व्यवधान)

सभापति महोदया: डिबेट मत कीजिए। आप वर्तमान बिल पर बोलिए।

â€¦(व्यवधान)

श्री सैयद शाहनवाज़ हुसैन : हम पंडित जी का नाम ले रहे हैं क्या उस पर भी एतराज है? ...(व्यवधान) पंडित जवाहर लाल नेहरु, श्रीमती इंदिरा गांधी जी, शास्त्री जी, चरण सिंह जी और स्व. राजीव गांधी जी, जितने भी देश के प्रधानमंत्री हुए हैं वे चुनकर आए और इस देश के प्रधानमंत्री बने। हम इस पर कोई विवाद करने के लिए खड़े नहीं हुए हैं। ...(व्यवधान) यही तो दिक्कत है कि कई बार समझाते हैं कि सत्ता में हैं तो बोलने दीजिए। सत्ता का मजा ले रहे हैं और क्या हमें बोलने भी नहीं देंगे? क्या हर काम आप ही लोग करेंगे? आप सत्ता भी चलाएंगे और हमें बोलने भी नहीं देंगे।...(व्यवधान) हम किसके बारे में बात करेंगे तो क्या आपसे पूछकर करेंगे? ...(व्यवधान)

महोदया, यह अच्छा प्रयास है। हमारा कहना है कि कई राज्यों में विधान परिषद, अगर झारखंड में विधान परिषद होती तो स्थिति अलग होती और गुरु जी को इधर-उधर सोचने की जरूरत नहीं पड़ती। तमिलनाडु में मुख्यमंत्री चुनकर आए तो मुख्यमंत्री हुए। मेरा आपसे माध्यम से माननीय गृह मंत्री जी से अनुरोध है कि पूरे देश में इस पर चर्चा होनी चाहिए क्योंकि विधान परिषद एक राज्य में है तो दूसरे में नहीं है। बिहार में है तो झारखंड में नहीं है, उत्तर प्रदेश में है तो राजस्थान में नहीं है। केरल, हरियाणा, गुजरात, पंजाब, मध्य प्रदेश, छत्तीसगढ़ में नहीं है। हमने इस बिल पर पहली लाइन में कहा कि हम सपोर्ट कर रहे हैं। रूलिंग पार्टी में आप बड़ी जल्दी से तमिलनाडु का काम कर रहे हैं। मैं विवाद खड़ा नहीं कर रहा हूं लेकिन कहना चाहता हूं कि बड़ी तेजी से काम कर रहे हैं। गृह मंत्री जी तमिलनाडु से हैं और अच्छा काम कर रहे हैं। क्या इस पर कन्सेन्सिस नहीं होना चाहिए? देश में लोकसभा और राज्यसभा है। कई राज्यों में चीफ मिनिस्टर विधान परिषद् से होते हैं। यह बड़ा नीरस विषय है, हम एक लाइन में कह सकते हैं कि हम सपोर्ट कर रहे हैं। यहां इतनी बड़ी डिबेट हो रही है और अगर विपक्ष की तरफ से दो लाइन नहीं आएंगी तो ठीक संदेश नहीं जाएगा। मेरा आपके माध्यम से अनुरोध है कि इस पर एक कन्सेन्सिस बनवाइए कि क्या अन्य राज्यों को भी विधान परिषद् की जरूरत है या नहीं क्योंकि एक राज्य में है तो दूसरे में नहीं है। इससे और लोगों को दिक्कत होती है। राज्य से पूरे प्रस्ताव के बारे में बात होनी चाहिए, सब पार्टियों की मीटिंग होनी चाहिए और सब जगह कन्सेन्सिस होनी चाहिए।

मैं एक बात कहते हुए अपनी बात खत्म करता हूं कि एक राज्य का नेता अगर हार जाए तो वह घर बैठ जाता है और जिस राज्य में विधान परिषद होती है तो वह घर नहीं बैठता, वह कहता है कि हमारा इंतजाम होने वाला है। कई लोग लोकसभा का चुनाव नहीं जीतते। वे कहते हैं कि अभी मकान खाली नहीं करेंगे क्योंकि हमारा नंबर राज्य सभा में आने वाला है। यह बहुत गंभीर विषय है। जब आप इसे पास करेंगे तो जवाब दीजिए कि देश में एक तरह की बात होनी चाहिए या नहीं? क्या कश्मीर से कन्याकुमारी तक विधान परिषद और विधान सभा नहीं होनी चाहिए? मैं कोई कटाक्ष नहीं कर रहा हूं बल्कि मैं एक नई दिशा देना चाहता हूं। हमारी पार्टी इसका सपोर्ट करते हुए इसका लार्जर रूप देखना चाहती है और सरकार का विजन भी जानना चाहती है। सरकार इसे ऐसे ही उठा कर ला रही है या विजन भी रखती है? कहीं ऐसा तो नहीं कि ऐसे ही किसी ने कहा और आप लेकर आ गए। आप थोड़ा विजन बड़ा रखिए, दूरदृष्टि रखिए, यह आपके हित में होगा। मेरा अनुरोध है कि इधर से जब सुझाव आएं तो धीरज से सुना कीजिए, संयम रखा कीजिए।

SHRI N.S.V. CHITTHAN (DINDIGUL): Madam Chairperson, on behalf of the Congress Party I rise to support the Tamil Nadu Legislative Council Bill, 2010. I am happy to recall that during November, 1986 when there was a debate in the Tamil Nadu Legislative Assembly, on behalf of the Congress Legislature Party, as Deputy Leader of the Opposition, I spoke in favour of the Tamil Nadu Legislative Council.

18.25 hrs.

(Shri Inder Singh Namdhari *in the Chair)*

Hon. Member Shri Baalu spoke about certain incidents that took place in Tamil Nadu regarding the Tamil Nadu Legislative Council.

Mr. Chairman, Sir, the Tamil Nadu Legislative Council has got a meritorious past from 19 th century. Thiru Satyamurthy who is considered to be the political guru of our revered leader Shri Kamaraj, once represented the Tamil Nadu Legislative Council. As Shri Baalu said, Dr. Muthulakshmi Reddy, the former President of India Shri R. Venkataraman and the noted educationist Sir A.L. Mudaliar had also served in the Tamil Nadu Legislative Council. It would also be interesting to note that the present Chief Minister of Tamil Nadu Dr. Kalaignar Karunanidhi once was a Member of the Tamil Nadu Legislative Council and also late Shri M.G. Ramachandran, former Chief Minister of Tamil Nadu was also a Member of the Tamil Nadu Legislative Council.

Mr. Chairman, Sir, there are so many freedom fighters, senior leaders, stalwarts who have represented in the Tamil Nadu Legislative Council. But, during the month of November, 1986 it was abolished. We know, more than twice efforts have been taken to restore the Council; but every attempt has proved futile. My request is that once a Council is formed, at any cost it should not be dissolved. That should be the endeavour of our Government. I urge upon our hon. Minister of Law and Justice, Dr. Veerappa Moily to give a serious thought to this aspect that once a Council is formed it should not be dissolved at any cost.

It is also interesting to note that during the year 1952 when the first General Election was held, in Tamil Nadu, the erstwhile Madras State, no Party could get majority. There were 63 independent candidates elected to the Tamil Nadu Legislative Assembly. During that time, our revered leader Shri Kamaraj approached Shri Rajaji, the former Governor General of India to take the lead and to form the Government. So, Rajaji became the Chief Minister of the erstwhile Madras State and then he became a Member of the Legislative Council.

Again, during the 1967 Election, the former Chief Minister of Tamil Nadu, Shri C.N. Annadurai, whom we call with reverence as 'Anna' contested from the South Madras constituency to the Lok Sabha. When the DMK got majority of seats, Dr. Anna then became a Member of the Legislative Council and became the Chief Minister of Tamil Nadu. That was the history of Tamil Nadu Legislative Council.

Sir, as I said earlier, there are so many people, so many stalwarts, so many leaders who could not contest the general election and this Legislative Council is the forum, is the place for them to represent their constituencies. Today, under the leadership of Madam Sonia Gandhiji and under the leadership of Dr. Manmohan Singh we are bringing this Bill. Definitely we are going to pass this Bill today.

श्री शैलेन्द्र कुमार (कौशाम्बी): सभापति महोदय, आपने मुझे तमिलनाडु विधानपरिषद् गठन विधेयक, 2010 पर बोलने का मौका दिया, उसके लिये मैं आपका आभारी हूं। माननीय विधि मंत्री जी जो विधेयक लेकर आये हैं, समाजवादी पार्टी की तरफ से हम इस बिल का पुरजोर समर्थन करते हुये इसे पारित कराने की अपनी सहमति व्यक्त करते हैं।

सभापति जी, अभी कुछ प्रदेशों में विधान परिषद् हैं और कुछ में नहीं हैं। वहां से यह आवाज जरूर आयेगी, वहां से प्रस्ताव आयेगा तो मैं सुझाव देना चाहूंगा कि विधि मंत्री जी सभी प्रदेशों से प्रस्ताव मंगाकर वहां भी विधान परिषद् का गठन करवा दें। जो विशेषज्ञ लोग हैं, चुनाव जीतकर नहीं आ सकते हैं या जो चुनाव हार जाते हैं, उनकी राय उपरि सदन में किसी न किसी रुप में आनी चाहिये।

सभापति जी, कभी कभी मुख्यमंत्री बनने के समय संवैधानिक संकट आ जाता है। अगर विधान परिषद् होगी तो वह चुनकर आ सकता है । इससे संवैधानिक संकट से निज़ात मिल सकती है।

मैं इन्हीं शब्दों के साथ अपनी बात समाप्त करता हूं।

श्री मंगनी लाल मंडल (झंझारपुर): सभापति महोदय, तमिलनाडु में विधान परिषद् गठन विधेयक का मेरी पार्टी समर्थन करती है।

सभापति जी, अभी देश में पांच प्रदेशों में विधान परिषद् हैं। इससे पूर्व कई प्रदेशों में प्रस्ताव पारित हुये, विधान परिषद् बनायी गई और कई जगह खत्म की गईं। संसद में आध्र प्रदेश में विधान परिषद् गठन किये जाने के बारे में एक विधेयक आया था जिसे पारित कर दिया गया। विधान परिषद् का गठन किये जाने से दो-तीन लाभ हैं। सिर्फ संवैधानिक संकट पैदा हो, उसके लिये संकट मोचन का काम करे, ऐसा नहीं है और न ही पौलिटिकल अकोमोडेशन के लिये है। केन्द्र में उपरि सदन है, उसी के चलते श्री देवगौड़ा या श्री गुजराल प्रधान मंत्री पद पर आसीन हुये क्योंकि तब ऐसी परिस्थिति पैदा हुई थी। इसी प्रकार राज्यों में कई बार ऐसी परिस्थिति पैदा हुई है। श्री लालू जी जब पहली बार बिहार के मुख्यमंत्री बने तो विधान परिषद् के सदस्य बने। इस तरह जब राज्य में संवैधानिक संकट पैदा हुआ तो विधान परिषद् ने ही उस संकट को रोका।

सभापति जी, मैं खुद 18 साल तक विधान परिषद् का सदस्य रहा हूं और मैने देखा है कि जब विधान सभा से विधि मामले में या

विधेयक के मामले में कोई भूल हो जाती है या भूलवश कोई बात छूट जाती है तो उसे विधान परिषद् में सुधारा जाता है और फिर उसे विधान सभा में भेजा जाता है। इस प्रकार विधान परिषद् एक बहुत ही अच्छी सदन प्रणाली है। जब केन्द्र में द्विसदन प्रणाली है तो हर राज्य में यह होनी चाहिये। तमिलनाडु, महाराष्ट्र बड़े राज्य हैं, कर्नाटक और आंध्र प्रदेश बड़े राज्य हैं जहां विधान परिषदें हैं। इसी प्रकार उत्तर प्रदेश और बिहार में भी द्विसदन हैं। हालांकि जम्मू कश्मीर छोटा राज्य है फिर भी वहां विधान परिषद् है। तमिलनाडु में विधान परिषद् का गठन होना चाहिये, मैं इस विधेयक का समर्थन करता हूं। झारखंड में विधान सभा के सदस्यों की संख्या कम है, अगर वहां पौलिटिकल अकोमोडेशन चाहिये तो इसकी संख्या बढ़नी चाहिये क्योंकि झारखंड राज्य का क्षेत्रफल बिहार के करीब-करीब बराबर है । विधान परिषद के गठन के बारे में अगर वहां से प्रस्ताव आ जाये तो उस पर भी विचार किया जाये।

मैं इस विधेयक का समर्थन करता हूं।

SHRI P.K. BIJU (ALATHUR): Mr. Chairman, Sir, I know that this Bill will be passed in this House today, but it is a retrograde step for the country. Tamil Nadu State Assembly had passed a resolution on 12.4.10 recommending the creation of State Legislative Council. Sir, the Council was there and it was abolished on May 14, 1986 by the then great leader of Tamil Nadu, Shri M.G. Ramachandran. What is the reason for that? This is the waste of money and unholy power utilization in the State. Similar case has happened in Andhra Pradesh State Legislative Council also. In 1985, the great leader NTR had abolished the State Legislative Council in Andhra Pradesh.

Out of 28 States of our country, only six States have the Legislative Council mechanism. The Centre has the federal structure, but States do not have the federal system. Therefore, this shows that there is no need to implement this Act to have a Legislative Council. ...(*Interruptions*)

Yes, we are surprised to see this Bill coming in a fast track manner in the House. I came to know from the newspaper reports that some Ministers had raised objection in the implementation of this Bill even in the Cabinet meeting. Why is this happening? This is only a political motivation to implement this Bill in a speedy manner. ...(*Interruptions*) So, I want to know this from the Government. It has already said to Assam and Punjab for implementation of the Legislative Council in these States. Why are you mum in those cases? I want to know this from the Government. Why is this being implemented in a speedy manner?

So, on behalf of the CPI (M), I strongly oppose this move to introduce the Tamil Nadu Legislative Council Bill, 2010.

SHRI B. MAHTAB (CUTTACK): Thank you, Mr. Chairman, Sir. I stand here to oppose the Bill that has been moved by the Government. I oppose on a very principal issue. It is because I oppose Legislative Council in every State. This is a regressive step, which is being taken by the Tamil Nadu Assembly. I had stood up here and opposed the formation of a Council in Andhra Pradesh when the Bill was moved to have a Council in Andhra Pradesh. The trend that was witnessed during the late 1960s and early 1970s is that respective State Assemblies were abolishing the State Councils.

The Constitution very clearly states here in Article 168 that :

> "(1) For every State â€¦ two Houses;" ...(*Interruptions*)

SHRI T.R. BAALU : Kindly read Article 169.

SHRI B. MAHTAB : This is published in 2005. Subsequently, Andhra Pradesh was added later on when the UPA came to power. Of course, in Jammu & Kashmir, a bicameral system is there. ...(*Interruptions*) All that I intend to say is that during the British period some major provinces, namely, Bengal Province, Bombay Province, Madras Province, Punjab Province, United Province, Central Province were there. Of course, Punjab was divided later on. So, there was bicameral system.

When the Constitution was framed and after the Constitution was framed, especially, after 1967, the trend was to abolish the Councils. I will be dealing with two or three points relating to abolishing Council, this is, how the Tamil Nadu Council was abolished; how the Punjab Council was abolished; and how the Central Province Council was abolished. ...(*Interruptions*) The Council was also abolished in Bengal during Shri Ajoy Mukherjee's tenure when Shri Jyoti Basu was the Deputy Chief Minister. Consciously, many other States ...(*Interruptions*)

SHRI T.K.S. ELANGOVAN (CHENNAI NORTH): It was not abolished as a policy, but it was done for certain reasons.

SHRI B. MAHTAB : There were many other States that consciously did not adopt bicameral system in the State. That provision was there. It depends on the State, and Centre's involvement in the formation of Council is very little. The Centre does not pay a single penny. All expenditure will be borne by the State exchequer.

But I remember Mr. Varkala Radhakrishnan who is no more with us here inside this House nor is there in Varkala. He met with a serious accident, and some weeks back the hon. Speaker also read out the obituary. What he said strikes me even today. It is ringing in my ears. I think many Members will be remembering him. Why should this Parliament become a rubber stamp and pass whatever is decided in the State Assembly? That is why, I would urge upon the Government that the suggestion which was given ...(*Interruptions*)

SHRI T.R. BAALU : When you are opposing it, where is the question of this Parliament becoming a rubber stamp? We are supporting it, and you are opposing it.

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI V. NARAYANASAMY): A democratically elected State Government passed a resolution.

SHRI B. MAHTAB : You have misunderstood me. ...(*Interruptions*)

DR. M. THAMBIDURAI : I do not know why you are opposing him. Is there anything unparliamentary in what he has said? Let him have his say. ...(*Interruptions*)

SHRI T.R. BAALU :He is speaking against the Constitution.

SHRI B. MAHTAB : That is what I am saying. This House, this Parliament, can only change the Constitution. The suggestion which was given by Shri Shahnawaz Hussain, now the time has come, let us decide, and it has to come from the Government. Let us leave it to the Assembly. Let the Assembly decide it. Why do they have to get the sanction of the Parliament? Tomorrow, in 2011, if not in September/October, 2010, if the nomenclature of Tamil Nadu Assembly changes ...(*Interruptions*)

SHRI T.R. BAALU : It would not change.

SHRI B. MAHTAB : I said, 'If it changes'. There is a great 'if'. If it changes, and that House again passes a resolution to abolish the Council, again we will be deliberating on it. It may not get passed, but the relations between the Centre and the State will become serious. There is a history behind it, especially in Tamil Nadu.

MR. CHAIRMAN : Shri Mahtab, please conclude.

SHRI B. MAHTAB : The Legislative Council in Tamil Nadu has got a chequered history. On 26th July, 1996, the Tamil Nadu Assembly passed a resolution for creation of a Legislative Council. The Bill was brought in 1997. A Bill was introduced for creation of a Legislative council in the State of Punjab and also Tamil Nadu Assembly, in Lok Sabha, on 14 th August, 1997. This is not the first time, but the Bill lapsed on the dissolution of the Eleventh Lok Sabha. Again, the Tamil Nadu Assembly passed another resolution on 12th September, 2001 when AIADMK was in power rescinding its earlier resolution dated 26 th July, 1996. Again, on 12 th April, 2010, the Tamil Nadu Assembly has passed a resolution and now we are deliberating it. With the change of the Government, the decision is changing.

MR. CHAIRMAN: Please conclude now.

श्री शरद यादव (मधेपुरा): सभापति जी, सुबह से सब सदस्य बैठे हैं और संख्या भी अच्छी है। मैं सोचता हूँ कि अन्ना डीएमके के सदस्य ज़रूर बोलें। ...(व्यवधान)

सभापति महोदय : मैंने अभी श्री थम्बि दुरई जी का नाम लिया है।

SHRI B. MAHTAB : Therefore, I would urge let wise counsel prevail on everyone. Let not the Parliament become a rubber stamp of a decision ...(*Interruptions*)

SHRI V. NARAYANASAMY: Parliament is not a rubber stamp. Kindly do not say that. Earlier, you said that we should give respect to the States' opinion, now you are talking the other way.

SHRI B. MAHTAB : I think the Home Minister is capable enough to deliberate on this issue. But this is my suggestion.

MR. CHAIRMAN: Narayanasamy Ji, Mr. Mahtab is expressing his views.

SHRI B. MAHTAB : It is a waste of money. If the respective States are willing to spend that money for that purpose, it is

welcome. I will give one last instance. In Orissa, the same situation had arisen. People said that literate people, educationists, scientists, etc., are not getting elected to the Assembly. The onus, at that time, was left to the Congress leadership. They saw to it that educated people, scientists, people from different spheres in legal profession saw to it that they should get elected to the Assembly. There was no need that we have to accommodate them in the Council. Where the leadership is failing, there a Council is being erected. This is what I wanted to say. With these words, I conclude my speech. Thank you.

DR. M. THAMBIDURAI (KARUR): Mr. Chairman, Sir, thank you for giving me an opportunity to say a few words about this Tamil Nadu Legislative Council Bill. On behalf of my AIADMK Party, I oppose this Bill.

The hurry with which it is brought forward imputes ulterior motives behind this Motion. My Party founder leader Puratchi Thalaivar Dr. MGR brought the Resolution in Tamil Nadu Assembly in 1986 and abolished the Tamil Nadu Legislative Council with a good intention of removing the symbol of British rule in this country.

I want to bring to the notice of the House what Dr. Ambedkarji said about this Council. I quote: "All that we are doing by this Constitution is to introduce the Second Chamber purely as an experimental measure. We have not, by the draft Constitution, given the Second Chamber a permanent place. We have not made it a permanent one; we have not made it a permanent part of our Constitution. It is purely an experimental measure, as I said, and there is sufficient provision in the present Article for getting rid of the Second Chamber." Dr. Ambedkarji, knowing the recent developments at that time, said that the Second Chamber was not necessary and that should be there only on an experimental basis. That is why, most of the States abolished the Legislative Council. In the same way, our leader Dr. MGR, during his period, abolished the Council.

Even the Inter-State Sub-Committee on Sarkaria Commission, in its meeting reiterated that the Upper House should be removed from all the States. That is what they said. What the hon. Member has said is that by having the Upper Chamber, we can accommodate eminent people, educationists, lawyers, engineers, teachers etc. I want to say that I was also a teacher in the Guindy Engineering College. Everybody knows that. I contested the election in 1984 December as a candidate and I got elected. Why I am telling this is that nowadays elections are fought on the party lines. People are voting for the parties and the leaders. We can take the example of Dr. Shashi Tharoor. He is also an eminent man. He had served in the UN for many years but he has been elected from Thiruvananthapuram. How has he got elected? I am saying that eminent people can be elected and come to the elected House. There are so many ways. The party is giving the ticket. If they want, they can come. What is the necessity of having the second Chamber? The Upper Chamber may be for upper caste people. People who could not come directly, they can use this backdoor method. That is why, the Council was abolished.

The hon. Member has explained the history of how one party is abolishing and another party is reviving and once again the abolition is taking place. That is what happened. The Tamil Nadu Legislative Council was abolished with effect from 1st November, 1986. Afterwards, on 20.2.1989, in the Tamil Nadu Assembly, the DMK Party passed a Resolution reviving the Legislative Council. However, the Tamil Nadu Legislative Assembly passed another Resolution on 12th September, 2001 rescinding its earlier Resolution. Earlier this was in 1989 and then this was nullified by another Resolution of 4.10.1991. Then again on 26th July, 1996, the DMK Party in the Tamil Nadu Legislative Assembly passed a Resolution for the creation of the Legislative Council in the State of Tamil Nadu. When we came to power, our Madam felt that it was not necessary and she passed once again a Resolution not to revive this. This is the way every thing happened so far.

In 2006, in their party manifesto, they wanted to revive the Legislative Council. For the last four years, what have they done? Four years have lapsed, they have not taken any steps. Now, what is the urgency in bringing this kind of Bill? Let them explain. ...(*Interruptions*) Hon'ble Member I had just now read the DMK manifesto, 2006 − four years have lapsed. They have not taken any action. They slept over it ...(*Interruptions*) Suddenly, What is their idea behind bringing in the Second Chamber? ...(*Interruptions*) They wanted to help certain people because elections are going to come, either in November, 2010 or sometime in 2011. In that elections, what is going to happen? Once again, my leader, *Puratchi Thalaivi* is going to win the elections. Once again, we are going to pass the Resolution in the Assembly to abolish this Council. This is going to happen. ...(*Interruptions*)

Hon. Member stated that they wanted two Chambers, as we have − Lok Sabha and Rajya Sabha. Two Chambers are for the federal set up. We are having different culture, different linguistic set up and for that purpose, we have two Chambers. The situations changed later and States were carved out on linguistic basis. Then, what is the necessity of having one more Chamber in the State? That is why, there is an opinion that only one House is necessary. There is no necessity of two

Houses. Having two Houses would not help. Even managing one House is a difficult proposition. Managing the second House would create another problem! Therefore, second House is not necessary. Only one House is enough through which we can do service to the people.

Another important matter is that one hon. Member stated about the teachers' constituency and graduates' constituency. This would take us to old days, the British period, when we had voting rights for selected people. Based on the taxes paid, voting rights were given during the British period. Others were deprived of voting rights. What would happen when we revive the Council? Why are the teachers given second vote? Why are the graduates given second vote? Is this the way to discriminate? Like any ordinary man, teachers can contest and have representation in even the elected bodies. Why should we adopt the method of graduates having two votes whereas, ordinary citizen is given only one vote? Is this democracy? Why should there be discrimination and go back to the old days? Why should teachers be given the priority? This is a retrograde step. Election in Tamil Nadu is coming. Therefore, to satisfy certain sections of people only, they are bringing the Legislative Council. It will not help any other person.

Another thing is, we are having Planning Commission and other bodies to bring in eminent people − a defeated person is already occupying the post of

Deputy Chairman of Planning Commission in Tamil Nadu. The Government can bring eminent persons in the Planning Commission and use their intelligence. What is the necessity to create Council for that purpose? That is the reason why I fully oppose this. This is a very retrograde step.

SHRI GANESHRAO NAGORAO DUDHGAONKAR (PARBHANI): On behalf of my Shiv Sena Party, I am supporting the Bill. Hence, this Bill should be passed on the floor of the House.

श्री लालू प्रसाद (सारण): सभापति महोदय, तामिलनाडु अपर हाउस के क्रिएशन का जो बिल आया है, इसका पूरी मजबूती के साथ हम लोग समर्थन करते हैं। अपर हाउस और लोअर हाउस, लोकतंत्र का अभिन्न अंग हैं। इनमें से किसी भी हाउस को समाप्त नहीं करना चाहिए। श्री शाहनवाज जी की राय से हम सहमत हैं। जिन राज्यों में अपर हाउस की प्रथा नहीं है, वहां से भी प्रस्ताव आएं और वहां भी अपर हाउस का गठन होना चाहिए, ताकि लोकतंत्र का फंक्शनिंग ठीक प्रकार से चले, लेकिन इसके साथ-साथ मैं बालू जी को सुझाव देना चाहता हूं कि आप अकेले क्रेडिट मत लीजिए, लालू भी यहां है। लालू एंड बालू। यह नहीं कि केवल आपकी पार्टी ही है। ...(व्यवधान)

MR. CHAIRMAN : Why are you removing *aaloo.*

SHRI LALU PRASAD : *Aaloo* is another thing. What I am saying, Baalu and Lalu. मुलायम सिंह यादव जी और सभी लोग साथ हैं। अब आप इसको पास करिए, हम लोग थक चुके हैं।

श्री मुलायम सिंह यादव (मैनपुरी): सभापति जी, इसको पारित कर दीजिए, लेकिन एक निर्देश जरूर दे दीजिए कि इसका पालन हो। इसका उद्देश्य था कि जो शिक्षाविद हैं, वैज्ञानिक हैं और तरह-तरह के समाज में ऐसा काम करने वाले लोग हैं, जो चुनाव से नहीं आ सकते, उनको भेजना चाहिए। सच्चाई यह है कि हम उत्तर प्रदेश से आए, वहां सब पालिटिकल लोग ही भेजे जाते हैं। जो उद्देश्य है, आप उसे पूरा करें। मैं चाहता हूं कि आप इसे जल्दी पास करें।

*SHRI P. LINGAM (TENKASI): Mr. Chairman, Sir, I thank you for giving me an opportunity to speak on behalf of the

Communist Party of India on the Tamil Nadu Legislative Council Bill, 2010. I oppose this Bill.

I fail to understand the reason behind this move to revive the Legislative Council in Tamil Nadu which was abolished 24 years back. It was stated that a promise on the similar lines was given to the people of Tamil Nadu in the Election Manifesto during the Assembly Elections of 2006. I would like to ask of them whether they have fulfilled every other assurance that was given then. More than 8 districts in Tamil Nadu are reeling under severe drought conditions due to the failure of North East Monsoon. I would like to point out that this would greatly dent the Exchequer worsening the financial situation causing great concern to all concerned. Our nation is already witnessing the fall in agricultural production and our industrial production too.

Legislative Council is unnecessary. Most of the States in the country do not have a second Chamber in their Legislative bodies. After making two unsuccessful efforts to revive the abolished Council, the present Government there makes an attempt again now. This move smacks of politics and will only be leading to further the confused state of politics there. The Upper House in a democratic set up is like sidelining the House comprising people's representatives. So we are not for a bicameral legislative set up. Eminent scholars and intellectuals would prefer to come only to the Upper House and may not choose to contest public election and come to the House of people's representatives is fallacious an argument. Only those who have understood the problems facing the people and only those who have felt the pulse of the people interacting with them directly can serve the people better as people's representatives. The elite alone remaining in an Upper House cannot uplift the country.

Legislative Council is a needless one. We do not want it. This Bill has been brought in haste. I do not know whether a proper method, as per the laid down practice and procedure, has been followed. This was introduced and is now passed within a day and informed as an item in the Supplementary List of Business today. I even feel like asking whether rules permit to pass it today itself. Hence I urge upon the Government to drop the move to revive the Legislative Council in Tamil Nadu.

श्री शरीफुद्दीन शारिक (बारामुला): महोदय, आपकी बड़ी मेहरबानी, मसला मुख्तसर है कि तमिलनाडु में ऐवान-ए-बाला का कयाम अमल में लाया जाए, जिसे आप अंग्रेजी में लेजिस्लेटिव काउंसिल कहते हैं। मुख्तसर मसला यह है, लीडिरशिप का आपस में क्या मसला है, लेकिन जहां तक हिंदुस्तानी कांस्टीच्यूशन की ब्राड बेस का ताल्लुक है, उसके मिजाज के मुताबिक है कि वहां की लेजिस्लेटिव असेंबसली ने यह पास किया है, इसे पार्लियामेंट थोड़े न ही पास कर रही है। वहां की असेंबली ने चाहा है, जो वहां के लोगों की तर्जुमान है। वह असेंबली, वे लोग, जिनको लोगों ने चुना है, अपनी आवाज गवर्नमेंट आफ इंडिया तक पहुंचाने के लिए, वह आवाज यहां पार्लियामेंट में पहुंच गयी। हमें इसमें ऐतराज नहीं होना चाहिए। हमें क्या ऐतराज है, जब वहां के लोग चाहते हैं? फेडरल सिस्टम में अगर यह न होगा कि हम असेंबलीज की आवाज को नहीं सुनेंगे, तो लोगों की ख्वाहिशों को नहीं सुनेंगे, तो फेडरल सिस्टम ठप से बैठ जाएगा। लिहाजा हमें उन लोगों की आवाज सुननी चाहिए। यह उनका नफा-नुकसान है। इसमें भी गोदा है, सोचते हैं उनके नफा-नुकसान की बात है कि इससे रियासत को फायदा है या नुकसान है। यह वे लोग सोचते हैं। इसके ठेकेदार हम नहीं हैं। हमें रिक्वैस्ट की गयी है कि हम यह करना चाहते हैं, तो ऐज एपेक्स पार्लियामेंट, एपेक्स बॉडी हमें कहना चाहिए कि हम कर रहे हैं, लिहाजा हम इसका समर्थन करते हैं।

19.00 hrs.

श्री सानछुमा खुंगुर बैसीमुथियारी (कोकराझार) : सभापति महोदय, मैं आपका बहुत आभार व्यक्त करता हूं। तमिलनाडु प्रदेश में तमिलनाडु लेजिस्लेटिव काउंसिल बनाने के लिए जो विधेयक यहां पेश किया गया है, मैं उसका पुरजोर समर्थन करता हूं। लेकिन उसके साथ ही हुसैन साहब ने जिस मुद्दे को दोहराया, मैं उनके साथ सहमत हूं। हिन्दुस्तान के जिन-जिन प्रदेशों में विधान परिषद का प्रावधान नहीं है, उन प्रदेशों में भी विधान परिषद बनाने की कोशिश करना बहुत जरूरी है। मेरे पास एक इन्फार्मेशन है कि असम स्टेट की तरफ से भी असम स्टेट लेजिस्लेटिव असेम्बली ने कुछ साल पहले एक प्रस्ताव पास करके भेरत सरकार को भेजा था। मैं होम मिनिस्टर साहब और कानून मंत्री जी से जानना चाहता हूं कि असम असेम्बली की तरफ से जो प्रस्ताव भेजा गया था, उसके ऊपर आज तक क्या कार्यवाही की गई है?...(व्यवधान) यहां रिप्रैजैंटेशन का जो तरीका बताया गया, उसमें कुछ बदलाव लाने की जरूरत है।

मैं आपको एक बहुत गंभीर मामले के बारे में बताना चाहता हूं। There are some States in India where the indigenous Bodo people have been languishing like anything without getting any scope to represent themselves into their respective State Assemblies. Take for example, West Bengal. In North Bengal Bodo people could send some representatives to the Legislative Assembly of West Bengal in the early part of post-Independence era. Even the first MP from Talpaiguri was a Bodo since that time. Bodo population started decreasing, Bodo people could not send their representatives neither to Parliament nor to the West Bengal Assembly. So is the case with the Bodo people living either in Meghalaya or Nagaland....(*Interruptions*)

MR. CHAIRMAN : Please sit down.

Now Hon. Minister.

श्री सानछुमा खुंगुर बैसीमुथियारी (कोकराझार): नागालैंड के दीमापुर निर्वाचन क्षेत्र से पहले बोड़ो लोगों में से ही एमएलए चुनकर आते थे। लेकिन अब एक भी बोड़ो आदमी नागालैंड असेम्बली में नहीं है। इसलिए जिन-जिन जातियों की तरफ से बोड़ो लोग निर्वाचन में चुनकर लेजिस्लेटिव असेम्बली में नहीं आ सकते हैं, उन जातियों की तरफ से लेजिस्टेलिल काउंसिल में रिप्रैजैंटेटिव भेजने की व्यवस्था की जाए।

MR. CHAIRMAN: Please sit down. Nothing will go on record.

*(Interruptions) â€¦ **

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): Hon. Chairman, I am quite thankful to all the hon. Members for having extended overwhelming support to this Bill. I also note some of the dissenting voices, rightly so, setting out the justifications of their own. In fact, Shri T.R. Baalu, the hon. Member has said that it is a part of the manifesto of 2006.

In a democracy, the political will of the people is always reflected by the Party which comes to power with majority. While implementing the assurances given in the manifesto you are acknowledging the mandate, respecting the aspirations of the people. Of course, there are political Parties, I do not want to single out, which remember the manifesto assurances from one election to another election. That is another part but it is not a model or an exemplary method by which the mandate of the people will be recognized. Ours is a rainbow democracy. As a country, we have the States with diversities. I do not want to expand my argument but I want to say one thing that particularly after the incorporation of the 73rd and 74th amendments to the Constitution, the federal concept has changed. There are three Governments, namely, Centre, State and District Administration − the Panchayati Raj. So, naturally, we have made provision in this that there will be representatives who are elected from the Panchayats. This is the recognition of that fact. I would rather say that the existence of a Legislative Council got all the more prominence particularly after the 73rd and 74th amendments to the Constitution of India. I do not want to deal much with that but of course, our hon. Member, Shri Shahnawaz Hussain, has a point when he asked why do we not ask all the States to have Legislative Councils. We have no objections but the Constitution does not mandate that. If you go through article 169, it is very clear when it says that the option is given to the States. It says:

> "Notwithstanding anything in article 168, Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting."

So unless we amend the Constitution, the Parliament or the Central Government cannot request like any other thing to send a proposal for creation of Legislative Council. So it is very clear.

It was also reflected in the debate that Punjab has sent a resolution and Assam has also sent a resolution but you have not done it. These questions were raised by some of the hon. Members. The State Government of Punjab *vide* its letter dated 18.9.2002 stated that in view of small area of the State and the financial implications involved, there is no need for the revival of the Legislative Council in the State. That is the last letter and we have not got any reminder or any fresh resolution. So, how do we grant it? This is the wish of the State Assembly. Insofar as Assam is concerned, the State Government of Assam did not respond to the reminder given to it by the Legislative Department seeking the incumbent Government's view on the proposal and hence the Central Government did not pursue the proposal further. We have sent reminders but they did not respond. It means to say that they did not want to create a Legislative Council. As on today, except the proposal from the Legislative Assembly of Tamil Nadu, we do not have any other resolution of any other State Assembly for the creation of the Legislative Council. There is no question of discriminating between one State to another.

Now on a high pedestal of principle, hon. Member, Shri Mahtab raised some questions and I do agree with him. But what has happened? Why was it abolished? I am not going to give any motive or anything. But it is not in response to what you said on principle. If a decision has been taken by any Legislative Assembly or a State Government purely on personal and political reasons, can you cover it by a principle?

That is the question. I do not want to expand this argument. These decisions, sometimes some political parties does it and the idea is to take a negative decision. Decisions in regard to institutions of democratic set up of the country will have to be taken

not on political and personal reasons but on principled reasons. If the entire Parliament feels...(*Interruptions*)

MR. CHAIRMAN : Let the hon. Minister complete his speech.

...(*Interruptions*)

SHRI M. VEERAPPA MOILY: Sir, I am going to answer everyone.

...(*Interruptions*)

MR. CHAIRMAN: The hon. Minister may continue his speech.

...(*Interruptions*)

SHRI A. SAMPATH (ATTINGAL): Sir, I have a point of order...(*Interruptions*)

MR. CHAIRMAN: Hon. Minister is not yielding.

...(*Interruptions*)

SHRI V. NARAYANASAMY : Kindly take your seat. The Minister is not yielding...(*Interruptions*)

MR. CHAIRMAN: Mr. Minister, I am here to tell him. Why are you taking the trouble?

...(*Interruptions*)

SHRI A. SAMPATH : Sir, I have a point of order...(*Interruptions*)

MR. CHAIRMAN: The hon. Minister is not yielding and I have not allowed you to speak.

...(*Interruptions*)

MR. CHAIRMAN: Under what rule are you raising the point of order?

SHRI A. SAMPATH : Sir, I will come to the rule...(*Interruptions*)

SHRI T.R. BAALU :Sir, you may ask him to first quote the rule ...(*Interruptions*)

SHRI A. SAMPATH : Sir, please allow me to raise the point...(*Interruptions*)

MR. CHAIRMAN: You may first tell me under what rule you are raising the point of order...(*Interruptions*)

SHRI A. SAMPATH : Sir, if the House has more than one Chairman, then what can I do? It seems that there are quite a number of hon. Members who are trying to become the Chairman. I can only obey ruling of the Chair...(*Interruptions*)

MR. CHAIRMAN: You just now saw that I even objected to the hon. Minister. I am only asking you under what rule you are raising this point of order.

...(*Interruptions*)

MR. CHAIRMAN: I am not allowing this. It is not a point of order. The hon. Minister will continue. The House runs with some decency and decorum. There should not be too much of insistence. It does not look nice.

...(*Interruptions*)

SHRI M. VEERAPPA MOILY: Sir, I would like to say that these debates have gone on. The Tamil Nadu Legislative Council was in existence even earlier to the Constituent Assembly coming into existence. So, it was there earlier. If we today call it a colonial symbol, then we are very much reflecting on the aspirations of the Founders of our Constitution...(*Interruptions*)

MR. CHAIRMAN: Dr. Thambidurai, let the hon. Minister complete his speech. Please take your seat.

...(*Interruptions*)

SHRI T.R. BAALU :Are they going to bring Bill against the Rajya Sabha?...(*Interruptions*)

MR. CHAIRMAN: Nothing will go on record. Dr. Thambidurai and Shri Baalu it is better to remain quiet.

*(Interruptions) â€¦**

SHRI M. VEERAPPA MOILY: Our very experienced and veteran parliamentarian Dr. Thambidurai knows it very well. But sometimes you say that we have political compulsions to bring this. But I do not say that you have a political compulsion to speak on the floor of the House. I do not say that...(*Interruptions*) As a former Deputy-Speaker of the Lok Sabha and even now carrying on with the same legacy and tradition by being in the panel of Chairman in the House, I think, you should have appreciated my departure. You can one day come to my chamber on an experimental basis. I will show that after I became the Law Minister, we have drafted 778 Bills. If a Bill comes in the morning from any administrative Ministry, by 12 midnight or 1 a.m., the Bill will be ready....(*Interruptions*) You know me very well, Dr. Thambidurai. The hon. senior Member of this House, Dr. Thambidurai knows me very well since 35 years. He does not know me just today. You also know that I believe in a principle that when I can run, why should I walk. This is my wise principle....(*Interruptions*) I do not want to explain further.

There are two things I would like to say today to this august House. Dr. Ambedkar was the greatest democrat maybe in the world. He is the best founder of the Constitution. Are we doubting his wisdom? He has very clearly said it. In recognition of the federal concept of the representatives, he only said one thing. You quoted only one or two subsequent sentences. But he clearly said:

> "The question of whether to have a second Chamber in the provinces or not was discussed by the Provincial Constitution Committee, which was appointed by this House. The decision of that Committee was that this was a matter which should be left to the decision of each province concerned. If any particular province decided to have a second Chamber, it should be allowed to have a second Chamber; and if any particular province did not want a second Chamber, a second Chamber should not be imposed upon it."

It is very clear. This is the substantive portion of his speech.

Another question also came up again before the Sarkaria Commission. With the passing of time, the Sarkaria Commission could have decided otherwise. They have said as follows in paragraph 2.33.06.

> "2.33.06. We would recommend that when a resolution passed by the Legislative Assembly of a State for abolition or creation of a Legislative Council in the State is received, the President shall cause the Resolution to be placed, within a reasonable time, before Parliament together with comments of the Union Government. Parliament may thereupon by a simple majority of the members present and voting declare that they adopt or reject the request contained in the Resolution. If the Resolution is so adopted by Parliament, the Union Government shall introduce the necessary legislation in Parliament for implementation of the Resolution. If necessary, Article 169 may be amended to provide for this procedure."

The only thing which the Government at that time had not accepted is that the reference will have to come to the President through the Parliament. Otherwise, 100 per cent, the Sarkaria Commission has put a full stop on this Bill. After all, we have to believe in some institutional arrangement to further the cause of democracy and nurture democracy. When the Constituent Assembly decided on this, Dr. Ambedkar endorsed it and Sarkaria Commission has also endorsed all this. At this point of time, to say that the Council should not be created is not correct.

I would like to say one thing. In Karnataka, there is a Council. Many a time, it is inconvenient to us irrespective of the party in power. But at no point of time, either in Karnataka or anywhere in the country, Congress has chosen to abolish it. At no time, we have done it because we recognize this as an important and a unique parliamentary institution.

I think, to say here that Parliament should not be used as a rubber stamp to do that is not well within the boundaries of the democratic principles which we have been practising.

With these words, I commend the Bill for the acceptance of the House.

MR. CHAIRMAN : The House shall now take up the motion for consideration.

The question is:

> "That the Bill to provide for the creation of Legislative Council for the State of Tamil Nadu and for matters supplemental, incidental and consequential thereto, as passed by Rajya Sabha, be taken into

consideration."

The motion was adopted.

...(*Interruptions*)

DR. M. THAMBIDURAI (KARUR): Sir, we are not convinced with the reply of the hon. Minister. So, in protest, we are walking out.â€¦ (*Interruptions*)

19.15 hrs.

At this stage, Dr. M. Thambidurai, Shri A. Sampath and some other

hon. Members left the House

...(*Interruptions*)

MR. CHAIRMAN : The House shall now take up clause-by-clause consideration of the Bill.

The question is:

"That clauses 2 to 5 stand part of the Bill."

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

MR. CHAIRMAN: The Minister may now move that the Bill be passed.

SHRI M. VEERAPPA MOILY: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.